

Application No. 10/816,488
Response to Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE SPECIFICATION

The specification has been amended to correct a minor informality of which the undersigned has become aware. No new matter has been added, and it is respectfully requested that the amendment to the specification be approved and entered.

THE CLAIMS

New independent claim 24 has been added to recite features of the present invention shown in Fig. 9, the elected Species.

In addition, new claims 25-33 have been added based on the subject matter of (now canceled) claims 4, 7-9, 15, 16, 18, 20 and 22, respectively.

In particular, it is respectfully pointed out that new claim 25 (corresponding to now canceled claim 4) more clearly recites the feature of the present invention whereby the reinforcing plate is iron and is 3.2 - 4.5mm thick. And new claims 31 and 32 (corresponding to now canceled claims 18 and 20) have been prepared to clarify that the "top face" recited therein is the top face of the roof member.

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No new matter has been added, and it is respectfully requested that new claims 24-33 be approved and entered.

It is respectfully submitted, moreover, that new claims 24-33 are in full compliance with the requirements of 35 USC 112.

THE PRIOR ART REJECTION

Claims 3, 4 and 15 were rejected under 35 USC 102 as being anticipated by USP 5,286,081 ("Martin, Jr."); claims 3, 4, 15, 16, 18 and 22 were rejected under 35 USC 103 as being obvious in view of USP 6,676,203 ("Lumpe et al"); and claims 3, 4, 15, 16, 18 and 20 were rejected under 35 USC 103 as being obvious in view of USP 6,517,147 ("Grimm"). These rejections, however, are respectfully traversed with respect to the new claims set forth hereinabove.

According to the present invention as recited in new independent claim 24, a roof member for a cab of a work machine is provided which comprises a foam layer formed by foaming a plastic material, a reinforcing plate which is provided on an interior-side face of the foam layer, and a sound absorbing layer formed on an interior-side face of the reinforcing plate. See Fig. 9 and the disclosure in the specification at page 18, line 18 to page 19, line 14.

It is respectfully submitted that none of the cited references disclose, teach or suggest the features of the present

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invention as recited in new independent claim 24.

In particular, it is respectfully pointed out that according to Martin, Jr. the steel plate 22 is provided on an outward facing side the resilient material (foam) 29, rather than on an interior-face of the foam layer in the manner of the claimed present invention. In addition, it is respectfully submitted that Martin, Jr. merely discloses that the resilient material reduces noise by preventing rattling of the steel sheet. And it is respectfully submitted that Martin, Jr. does not disclose, teach or suggest a sound absorbing layer formed on an interior-side face of the reinforcing plate as recited in new independent claim 24.

In addition, it is respectfully submitted that Lumpe et al merely discloses that the roof panel 1 is provided on an outward facing side of the intermediate (foam) layer 16, and that in this reference a roof liner 15 is provided on the interior side of the intermediate layer 16. Thus, it is respectfully submitted that Lumpe et al also does not disclose, teach or suggest the features of the present invention as recited in new independent claim 24.

Still further, it is respectfully submitted that Grimm merely discloses a reinforcement part 10 that is embedded within a part of the inner shell (foam) 1, which is covered with roof skin 2 and cover material 9. And it is respectfully submitted,

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therefore, that Grimm also does not disclose, teach or suggest the features of the present invention as recited in new independent claim 24.

In view of the foregoing, it is respectfully submitted that the present invention as recited in new independent claim 24, and claims 25-33 depending therefrom, clearly patentably distinguishes over Martin, Jr. Lumpe et al and Grimm, taken singly or in any combination, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,



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